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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,804	01/13/2004	Yi-Hsiang Huang	ACMP0173USA	1803

27765 7590 02/27/2006

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EXAMINER	
FOX, BRYAN J	
ART UNIT	**PAPER NUMBER**
2686	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/707,804	HUANG, YI-HSIANG	
	Examiner	Art Unit	
	Bryan J. Fox	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 21-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 21-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (US 20050020289A1).

Regarding claim 21, Kim et al disclose a method for blocking spam messages in a mobile wireless terminal (see paragraph 33, which reads on the claimed, "method of filtering messages received on a receiving telephone apparatus." When the terminal receives a call, the CPU detects it at step 7a, and checks at step 7b whether the received message is a spam message, i.e., an SMS spam message (or a not-shown unsolicited phone number to be blocked) by determining whether a call back number in the message contains a number, such as "700" or "0600", commonly included in commercial phone numbers incurring high charges, or by matching a word such as "advertisement" in the message (see paragraph 34), which reads on the claimed, "applying a filtering rule to the message on the receiving phone." When the result of step 7b is affirmative, the CPU controls the terminal to disregard the received message and not to notify the receipt of the message at step 7c, and may not store the message

(see paragraphs 35-37 and figure 7), which reads on the claimed, "automatically deleting the message without informing a user of the receiving telephone apparatus before the user reads the message if the message satisfies the filtering rule."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft in view of Ala-Luukko and further in view of Huna et al (US 20010012286A1).

Regarding **claim 1**, Kraft discloses a system where a terminal receives a short message (see column 5, lines 30-62 and figure 3), which reads on the claimed, "method of filtering messages received on a receiving telephone apparatus, the method comprising: receiving a message from a calling telephone." Then, the terminal identifies the message by reading identification means in the message and compares the identification means with parameters specified in a folder. If the folder identifies the

identification means in the message, the message will be placed/stored in the folder (see column 5, lines 30-62 and figure 3), which reads on the claimed, "applying a filtering rule to the message on the receiving phone... and executing a filtering process if the message satisfies the filtering rule." Kraft fails to disclose filtering the message if the telephone number of the calling telephone contains less than a predetermined number of digits.

In a similar field of endeavor, Ala-Luukko discloses a system where a blocking list is used to prevent SMS messages from being set to a user (see column 7, lines 17-37).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kraft with Ala-Luukko to include the above use of a blocking list in order to maximize user convenience by eliminating undesired messages. The combination of Kraft and Ala-Luukko fails to disclose the use of a wildcard in filtering messages.

In a similar field of endeavor, Huna et al disclose a system where a user could specify a filter to select only those messages originating in a certain area code (see paragraph 75).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kraft and Ala-Luukko with Huna et al to include the above use of a certain area code in order to maximize user convenience by eliminating undesired messages. The resultant combination reads on the claimed, "filtering the message if the telephone number of the calling telephone contains less

than a predetermined number of digits," wherein if the numbers filtered out at the beginning are null or zeros, and the rest are wildcards, the resultant telephone numbers would have less than a predetermined number of digits, allowing a user to filter messages that do not contain an area code.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft in view of Soderbacka.

Regarding **claim 22**, Kraft discloses a system where a terminal receives a short message (see column 5, lines 30-62 and figure 3), which reads on the claimed, "method of filtering messages received on a receiving telephone apparatus, the method comprising: receiving a message from a calling telephone." Then, the terminal identifies the message by reading identification means in the message and compares the identification means with parameters specified in a folder. If the folder identifies the identification means in the message, the message will be placed/stored in the folder (see column 5, lines 30-62 and figure 3), which reads on the claimed, "applying a filtering rule to the message on the receiving phone...and executing a filtering process if the message satisfies the filtering rule." Kraft fails to disclose if a Subscriber Identity Module card of the receiving telephone apparatus is full with messages from calling telephones, the receiving telephone apparatus automatically deletes a message that matches the filtering rule.

In a similar field of endeavor, Soderbacka et al disclose a system using a SIM card (see figure 2) where if there is no free memory available for short messages, it is

checked to see if the short message is a deleting one, and, if so, a previous message is deleted according to the instructions (see page 13, lines 1-17), which reads on the claimed, "if a Subscriber Identity Module card of the receiving telephone apparatus is full with messages from calling telephones, the receiving telephone apparatus automatically deletes a message that matches the filtering rule."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kraft with Soderbacka et al to include the above deleting of messages automatically in order to prevent filling the memory and missing a more useful short message when the memory is full as suggested by Soderbacka et al (see page 1, line 30 – page 2, line 11).

Regarding **claim 23**, Kraft fails to disclose the message that is deleted is the first message that matches the filtering rule.

In a similar field of endeavor, Soderbacka et al disclose a system using a SIM card (see figure 2) where if there is no free memory available for short messages, it is checked to see if the short message is a deleting one, and, if so, a previous message is deleted according to the instructions (see page 13, lines 1-17), which reads on the claimed, "the message that is deleted is the first message that matches the filtering rule."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kraft with Soderbacka et al to include the above deleting of messages automatically in order to prevent filling the memory and missing a more

useful short message when the memory is full as suggested by Soderbacka et al (see page 1, line 30 – page 2, line 11).

Regarding **claim 24**, Kraft fails to disclose the message that is deleted is the first message that matches the filtering rule.

In a similar field of endeavor, Soderbacka et al disclose a system using a SIM card (see figure 2) where if there is no free memory available for short messages, it is checked to see if the short message is a deleting one, and, if so, a previous message is deleted according to the instructions (see page 13, lines 1-17), which reads on the claimed, "the message that is deleted is the oldest message that matches the filtering rule."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kraft with Soderbacka et al to include the above deleting of messages automatically in order to prevent filling the memory and missing a more useful short message when the memory is full as suggested by Soderbacka et al (see page 1, line 30 – page 2, line 11).

Response to Arguments

Applicant's arguments filed November 29, 2005 have been fully considered but they are not persuasive.

The applicant argues that the combination of Kraft, Ala-Luukko and Huna fails to disclose filtering telephone numbers containing less than a predetermined number of digits. The examiner respectfully disagrees. The combination discloses filtering messages that do not contain an area code (see rejection of claim 1 above), which

reads on the claimed filtering of messages containing less than a predetermined number of digits.

Applicant's arguments with respect to claims 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marsha D Banks-Harold

Bryan Fox
February 20, 2006

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